

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-15 are pending in this application. The pending claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,085,101 (Jain et al.) in view of U.S. Patent No. 6,212,260 (Baum et al.) and further in view of U.S. Patent No. 5,966,652 (Coad et al.).

Claim 1 has been amended. It is respectfully submitted that no new subject matter is presented.

In the Office Action, the Examiner rejected the pending claims in view of the combination of Jain et al., Baum et al. and Coad et al. The Examiner cited Jain et al. as disclosing a method in which a called mobile station confirms a message sent by a calling mobile station (Office Action, ¶ 2). Jain et al. discloses a method by which a message provider can multicast, in a non-sequential manner, a single message to a number of recipients, and a manner in which a “text response may be collected in the ordinary manner” (Col. 12, lines 40-41).

 Jain et al. merely discloses establishing a voice call and receiving the response during such established voice call. Jain et al. fails to teach or suggest a method in which responses are collected when a voice call is not normally established, as in Claims 6 and 11. Claim 1 has been amended to include such recitation. Neither Baum et al. nor Coad et al. cure this defect of Jain et al. Accordingly, it is respectfully submitted that Claim 1 (as amended) and Claims 6 and 11 are in condition for allowance. Without conceding the patentability *per se* of the dependent claims,

PATENT
Attorney Docket: 678-578 (P9616)

Claims 2-5, 7-10 and 12-15 are believed to be in condition for allowance for at least the above reasons.

In view of the preceding amendment and remarks, it is respectfully submitted that all of the pending claims, namely Claims 1-15, are in condition for allowance. If the Examiner has any questions regarding this communication, the Examiner is requested to contact the undersigned.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484